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Type of Instrument: JUDGMENT OF FORECLOS

Recorded: 1/7/2019

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Index Number: 17 610066 Sequence Number: 67

Plaintiff(s) :

CALIBER HOME LOANS, INC.

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Defendant(s) :

MASINI, JANET M.

Attorney(s) :

TAX_MAP_NO:

Liber Page(s):
M00020870-054

ADDITIONAL INFORMATION EXISTS PLEASE SEE DOCUMENT
THIS PAGE IS A PART OF THE INSTRUMENT
THIS IS NOT A BILL

Judith A. Pascale
County Clerk, Suffolk County

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2057C-058

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At an I.A.S. Term, Part XL of the Supreme Court of the County of Suffolk held in the Suffolk Supreme Court 1 Court Street, Town of Riverhead, New York on the 14th day of December, 20 18.

PRESENT: HON. JAMES C. HUDSON AJSC

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SUPREME COURT OF THE STATE OF NEW YORK

----------X

CALIBER HOME LOANS, INC.

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Plaintiff

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vs

JANET M. MASINI, JOSEPH P. MASINI AKA JOSEPH R. MASINI, JPMORGAN CHASE BANK, N.A. FKA JPMORGAN CHASE BANK, GERBER FINANCE INC., NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, CAPITAL ONE BANK USA N.A., CLERK OF THE SUFFOLK COUNTY TRAFFIC & PARKING VIOLATIONS AGENCY, "JOHN DOE", "JANE DOE"

Defendant(s)

----------X

ORDER CONFIRMING REFEREE REPORT AND JUDGMENT OF FORECLOSURE AND SALE

INDEX #: 610006/2017

MORTGAGED PREMISES:
2 LYNRIDGE COURT
STONY BROOK, NY 11790

DSBL #: 0200 - 386.00 - 07.00 - 007.004

ENTERED: JAN 07 2019
AT: 3:47pm

No Directive

Upon the Summons, Complaint and Notice of Pendency filed in this action on May 26, 2017, Notice of Motion dated May 23, 2018 and the affirmation by Ashley M Pascuzzi, Esq. the affidavit of merit and amount due by Kolette Modlin who is Authorized Officer of Caliber Home Loans, duly sworn to Sasha Candelaria on September 19, 2017, together with exhibits annexed hereto, all in support of Plaintiff's motion for a Judgment of Foreclosure and Sale; and

Upon proof that each of the defendants herein was served with the Summons and Complaint, and voluntarily appeared personally or by an attorney and did not serve an answer to the Complaint or; failed to appear and the time to do so was not extended; and it appearing that

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more than the legally required number of days elapsed since defendants Joseph P. Masini AKA Joseph R. Masini, JPMorgan Chase Bank, N.A. FKA JPMorgan Chase Bank, Gerber Finance Inc., Capital One Bank USA N.A., Clerk of the Suffolk County Traffic & Parking Violations Agency, "John Doe" and "Jane Doe" who did not answer or appear were so served and/or appeared; and Plaintiff having established to the court's satisfaction that a judgment against defendants is warranted; and

Upon the affidavit of mailing reflecting compliance with CPLR §3215(g)(3)(iii); and

Upon proof that the non-appearing defendant Janet M. Masini, Joseph P. Masini AKA Joseph R. Masini, JPMorgan Chase Bank, N.A. FKA JPMorgan Chase Bank, Gerber Finance Inc., New York State Department of Taxation and Finance, Clerk of the Suffolk County Traffic & Parking Violations Agency, "John Doe" and "Jane Doe" are not absent, in accordance with RPAPL § 1321(2); and

A Referee having been appointed to compute the amount due to Plaintiff upon the bond/note and mortgage set forth in the Complaint and to examine whether the mortgaged property can be sold in parcels; and

UPON reading and filing the Report of Justin N. Lite Esq. dated May 07, 2018, showing the sum of $209,539.97, due as of the date of said Report, and that the mortgaged property may not be sold in parcels; and

Upon proof of due notice of this motion upon all parties entitled to receive same, and upon all the prior proceedings and papers filed herein;

NOW, on motion by Ashley M Pascuzzi, Esq., attorney for the Plaintiff, it is hereby

ORDERED, ADJUDGED AND DECREED that the motion is granted; and it is further

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ORDERED, ADJUDGED AND DECREED that the Referee's Report be, and the same is, hereby in all respects ratified and confirmed; and it is further

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ORDERED, ADJUDGED AND DECREED, that the mortgaged property described in the complaint and as hereafter described, or such part thereof as may be sufficient to discharge

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the mortgage debt, the expense of the sale, and the costs of this action as provided by the RPAPL be sold, within 90 days of the date of this Judgment, in one parcel, at a public auction at the

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BROOKHAVEN TOWN HALL
1 INDEPENDENCE HILL
FARMINGVILLE, NY 11738

and to the extent possible, at an unspecified time;

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by and under the direction of Justin N. Lite Esq., 212 HIGBIE LN, WEST ISLIP, NY 11795, 631-669-3710 who is appointed Referee for that purpose; that said Referee give public notice of the time and place of sale in accordance with RPAPL § 231 in The Long Island Advance; and it is further

ORDERED, ADJUDGED AND DECREED that by accepting h appointment, the referee certifies that he/she is in compliance with Part 36 of the Rules of the Chief Judge (22 NYCRR Part 36), including, but not limited to § 36.2 (c) ("Disqualifications from Appointment") and § 36.2 (d) ("Limitations on appointments based upon compensation"); and, if the Referee is disqualified from receiving an appointment pursuant to the provisions of that Rule, the Referee shall immediately notify the Appointing Judge; and it is further

ORDERED, ADJUDGED AND DECREED that the Referee is prohibited from accepting or retaining any funds for himself or paying funds to himself without compliance with Part 36 of the Rules of the Chief Administrative Judge; and it is further

ORDERED, ADJUDGED AND DECREED that the Referee shall conduct the foreclosure sale only if Plaintiff, its successors and/or assignees, or its representatives is present at the sale or the Referee has received a written bid and Terms of Sale from Plaintiff, its

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successors and/or assigns, or its representatives; and it is further

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ORDERED, ADJUDGED AND DECREED that if the Referee cannot conduct the sale within 90 days of the date of the judgment, in accordance with CPLR § 2004, the time fixed by RPAPL § 1351(1) is extended for the Referee to conduct the sale as soon as reasonably practicable; and it is further

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ORDERED, ADJUDGED AND DECREED that at the time of sale the Referee shall accept a written bid from the Plaintiff or the Plaintiff's attorney, just as though Plaintiff were physically present to submit said bid; and it is further

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ORDERED, ADJUDGED AND DECREED that the Referee shall accept the highest bid offered by a bidder who shall be identified upon the court record, and shall require that the successful bidder immediately execute Terms of Sale for the purchase of the property, and pay to the Referee, in cash or certified or bank check, ten percent (10%) of the sum bid, unless the successful bidder is Plaintiff in which case no deposit against the purchase process shall be required; and it is further

In the event that the property is sold at auction to a third party, the Plaintiff shall appear by counsel at the scheduled closing

ORDERED, ADJUDGED AND DECREED that, in the event the first successful bidder fails to execute the Terms of Sale immediately following the bidding upon the subject property or fails to immediately pay then percent (10%) deposit as required, the property shall immediately and on the same day be reoffered at auction; and it is further

ORDERED, ADJUDGED AND DECREED that the Referee shall then deposit the down payment and proceeds of sale, as necessary, in Any local FDIC insured bank in his own name as Referee, in accordance with CPLR § 2609; and it is further

ORDERED, ADJUDGED AND DECREED that after the property is sold, the Referee

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shall execute a deed to the purchaser, in accordance with RPAPL § 1353 and the terms of sale,

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which shall be deemed a binding contract; and it is further

ORDERED, ADJUDGED AND DECREED that, in the event a party other than the Plaintiff becomes the purchaser at the sale, the closing of title shall be held no later than 30 days

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after the date of such sale unless otherwise stipulated by all parties to the sale; and it is further

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ORDERED, ADJUDGED AND DECREED that, if Plaintiff (or its affiliate, as defined in paragraph (a) subdivision 1 of section six-1 of the Banking Law) is the purchaser, such party

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shall place the property back on the market for sale or other occupancy: (a) within 180 days of the execution of the deed of sale, or (b) within 90 days of the completion of construction, renovation, or rehabilitation of the property, provided that such construction, renovation, or rehabilitation proceeded diligently to completion, whichever comes first, provided however, that a court of competent jurisdiction may grant an extension for good cause; and it is further

ORDERED, ADJUDGED AND DECREED that the Referee, on receiving the proceeds of such sale, shall forthwith pay therefrom, in accordance with their priority according to law, all taxes, assessments, sewer rents, or water rates, which are, or may become, liens on the property at the time of sale, with such interest or penalties which may have lawfully accrued thereon to the date of payment; and it is further

ORDERED, ADJUDGED AND DECREED that the Referee then deposit the balance of said proceeds of sale in his/her own name as Referee in Any local FDIC insured bank, and shall thereafter make the following payments in accordance with RPAPL § 1354, as follows:

FIRST: The Referee's statutory fees for conducting the sale, in accordance with CPLR § 8003(b), in the sum of $250.00 if the Referee received the sum of $500 to compute and report. The Total compensation of the Referee shall be in the sum of $750.00

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~~shall compensate the Referee in the sum of $_____ for each adjournment or cancellation, unless the Referee caused the delay;~~

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SECOND: All taxes, assessments and water rates that are liens upon the property and monies necessary to redeem the property from any sales for unpaid

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taxes, assessments, or water rates that have not apparently become absolute, and any other amounts due in accordance with RPAPL § 1354(2). Purchaser shall be

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responsible for interest and penalties due on any real property taxes accruing after the sale. The Referee shall not be responsible for the payment of penalties or fees

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pursuant to this appointment. The purchaser shall hold the Referee harmless from any such penalties or fees assessed;

THIRD: The expenses of the sale and the advertising expenses as shown on the bills presented and certified by said Referee to be correct, duplicate copies of which shall be annexed to the report of sale.

FOURTH: The Referee shall also pay to the Plaintiff or its attorney the following:

Amount Due per Referee's Report. $209,539.97 with interest at the note rate from November 1, 2016 to August 26, 2017, together with any advances as provided for in the note and mortgage which Plaintiff has made for taxes, insurance, principal, and interest, and any other charges due to prior mortgages or to maintain the property pending consummation of this foreclosure sale, not previously included in the computation, upon presentation of receipts for said expenditures to the Referee, all together with interest thereon pursuant to the note and mortgage, and then with interest from the date of entry of this judgment at the

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statutory rate until the date the deed is transferred.

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Costs and Disbursements. ~~$~~ as computed by the County Clerk ~~adjudged~~ $3,465.45 to the Plaintiff for costs and disbursements in this action (add if applicable, as taxed or calculated by the clerk and inserted herein), with interest at the statutory judgment rate from the date of entry of this judgment;

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Additional Allowance. $0.00 is hereby awarded to Plaintiff in addition to costs, with interest at the statutory judgment rate from the date of entry of this judgment, pursuant to CPLR Article 83;

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Attorney Fees. $6,070.00 is hereby awarded to Plaintiff as reasonable legal fees herein, with interest at the statutory rate from the date of entry of this judgment.

FIFTH: Surplus monies arising from the sale shall be ~~paid into~~ deposited with the Comptroller of Suffolk County court by the officer conducting the sale within five days after receipt in accordance with RPAPL § 1354(4) and in accordance with local County rules regarding Surplus monies; and it is further

ORDERED, ADJUDGED AND DECREED that if the Plaintiff is the purchaser of the property, or in the event that the rights of the purchasers at such sale and the terms of sale under this judgment shall be assigned to and be acquired by the Plaintiff, and a valid assignment thereof is filed with said Referee, said Referee shall not require Plaintiff to pay in cash the entire amount bid at sale, but shall execute and deliver to the Plaintiff or its assignee, a deed or deeds of the property sold upon the payment to said Referee of the amounts specified in items marked "First", "Second" AND "Third" above; that the Referee shall allow the Plaintiff to pay the amounts specified in "Second" and "Third" above when it is recording the deed; that the balance of the bid, after deducting the amounts paid by the Plaintiff, shall be applied to the amount due

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Plaintiff as specified in paragraph "Fourth" above; that Plaintiff shall pay any surplus after applying the balance to the bid to the Referee, who shall deposit it in accordance with paragraph "Fifth" above; and it is further

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ORDERED, ADJUDGED AND DECREED that all expenses of recording the Referee's deed, including real property transfer tax, which is not a lien upon the property at the time of sale, shall be paid by the purchaser, not by the Referee from sale proceeds, and that any transfer tax shall be paid in accordance with Tax Law § 1404; and it is further

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ORDERED, ADJUDGED AND DECREED that if the sale proceeds distributed in accordance with paragraphs "First", "Second", "Third", and "Fourth" above are insufficient to pay Plaintiff the Amount Due per the Referee's Report as set forth in paragraph "Fourth" above, Plaintiff may seek to recover a deficiency judgment against Janet M. Masini and Joseph P. Masini AKA Joseph R. Masini in accordance with RPAPL §1371 if permitted by law; and it is further

ORDERED, ADJUDGED AND DECREED that the property is sold in one parcel in "as is" physical order and condition, subject to any condition that an inspection of the property would disclose; any facts that an accurate survey of the property would show; any covenants, restrictions, declarations, reservations, easements, right of way, and public utility agreements of record, if any; any building and zoning ordinances of the municipality in which the mortgaged property is located and possible violations of same; any rights of tenants or persons in possession of the subject property; prior liens of record, if any, except those liens addressed in RPAPL § 1354; any equity of redemption of the United States of America to redeem the property within 120 days from the date of sale; any rights pursuant to CPLR § 317, § 2003 and § 5015, or any appeal of the underlying action or additional litigation brought by any defendant on its successor

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or assignee contesting the validity of this foreclosure; and it is further

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ORDERED, ADJUDGED AND DECREED that the purchaser be let into possession of the property upon production in hand of the Referee's Deed or upon personal service of the Referee's deed in accordance with CPLR § 308; and it is further

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ORDERED, ADJUDGED AND DECREED that the Defendants in this action and all persons claiming through them and any person obtaining an interest in the property after the

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Notice of Pendency are barred and foreclosed of all right, claim, lien, title, and interest in the property after the sale of the mortgaged property; and it is further

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ORDERED, ADJUDGED AND DECREED that within 30 days after completing the sale and executing the proper conveyance to the purchaser, unless the time is extended by the court, the officer making the sale shall file with the clerk a report under oath of the disposition of the proceeds of the sale in accordance with RPAPL § 1355(1) and follow all local County rules regarding handling of Surplus Monies; and it is further

ORDERED, ADJUDGED AND DECREED that if the purchaser or purchasers at said sale default(s) upon the bid and/or the terms of sale the Referee may place the property for resale without prior application to the Court unless Plaintiff's attorneys shall elect to make such application; and it is further

ORDERED, ADJUDGED AND DECREED that Plaintiff shall serve a copy of this Judgment with Notice of Entry upon the owner of the equity of redemption, any tenants named in this action, and any other parties entitled to service, including the Referee appointed herein; and it is further.

ORDERED, ADJUDGED AND DECREED that nothing herein shall be deemed to

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Schedule A - Legal Description

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ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being at Stony Brook, Town of Brookhaven, County of Suffolk and State of New York, shown and designated as and by Lot No. 3 on a certain map entitled, "Map of Timber Ridge at Stony Brook," filed in the Suffolk County Clerk's Office on February 23, 1978 under the new Map No. 6651. Said lot is more particularly bounded and described as follows:

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BEGINNING at a point on the Southerly side of Annandale Road, said point being a distance of 291 feet measured in an Easterly direction along the Southerly side of Annandale Road from the extreme Easterly end of the arc of a curve connecting the Easterly side of Stony Brook Road with the Southerly side of Annandale Road;

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RUNNING THENCE in an Easterly direction along an arc of a curve bearing to the left along the Southerly side of Annandale Road, said curve having a radius of 265.00 feet and a length of 95.22 feet to a point;

THENCE in a Southerly direction along an arc of a curve to the right, said curve having a radius of 20.00 feet and a length of 45.70 feet to a point;

THENCE in a Southerly direction along an arc of a curve to the left of said curve having a radius of 50.00 feet and a length of 42.82 feet to a point on the division line of Lots 3 and 4;

THENCE South 10 degrees 07 minutes 10 seconds East along the last mentioned land, 162.43 feet to a point;

THENCE South 83 degrees 25 minutes 41 seconds West, 93.12 feet to a point on the division line of Lots 2 and 3;

THENCE North 21 degrees 50 minutes 00 seconds West, along last mentioned land, 182.71 feet to a point on the Southerly side of Annandale Road to the point or place of BEGINNING.

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relieve the Plaintiff of any obligation imposed by RPAPL §1307 and RPAPL § 1308 to secure and maintain the property until such time as ownership of the property has been transferred and the deed duly recorded; and it is further

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ORDERED, ADJUDGED AND DECREED that, when the Referee files a report of sale, he or she shall concurrently file a Foreclosure Action Surplus Monies Form; and it is further

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ORDERED, ADJUDGED AND DECREED, that the Referee appointed herein shall file the completed and signed Foreclosure Surplus Monies Form, in accordance with the Suffolk County Administrative Order # 41-13, with both the Suffolk County Clerk and the Supreme Court Calendar Clerk within 30 days of the foreclosure sale date; and it is further

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ORDERED, ADJUDGED AND DECREED that to ensure compliance herewith, Plaintiff shall file a written report with the court within six months from the date of entry of this judgment stating whether the sale has occurred and the outcome thereof.

Said property is commonly known as 2 LYNRIDGE COURT, STONY BROOK, NY 11790.

The legal description of the mortgaged property referred to herein is annexed hereto as Schedule A.

ENTER,

Dated: Dec. 14th, 2018
Riverhead, New York

HON JAMES C. HUDSON
JUSTICE OF THE SUPREME COURT

GRANTED

DEC 14 2018

Judith A. Pascale
CLERK OF SUFFOLK COUNTY

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2019 JAN -7 PM 3:47

JUDITH A. PASCALE
SUFFOLK COUNTY CLERK

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INFORMATION

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ONLY FROM THIS

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

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CALIBER HOME LOANS, INC.

Plaintiff,

vs

Not For Legal Use

JANET M. MASINI, JOSEPH P. MASINI AKA JOSEPH R. MASINI, JPMORGAN CHASE BANK, N.A. FKA JPMORGAN CHASE BANK, GERBER FINANCE INC., NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, CAPITAL ONE BANK USA N.A., CLERK OF THE SUFFOLK COUNTY TRAFFIC & PARKING VIOLATIONS AGENCY, "JOHN DOE", "JANE DOE"

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Defendant(s).

----------X

COSTS OF PLAINTIFF

INDEX #: 610006/2017

MORTGAGED PREMISES:
2 LYNRIDGE COURT
STONY BROOK, NY 11790

DSBL #: 0200 - 386.00 - 07.00 - 007.004

COST TAXED AT $ 3,415.45
TIME _____ DAY OF _____
JAN - 7 2019
JUDITH A. PASCALE
CLERK OF SUFFOLK COUNTY

COSTS

Costs before Note of Issue - CPLR 8201(1)		$200.00
Allowance by statute - CPLR 8302(a) (b)		
First $200.00 at 10%	$20.00	
Next $800.00 at 5%	$40.00	
Next $2000.00 at 2%	$40.00	
Next $5000.00 at 1%	$50.00	
		$150.00
Additional allowance - CPLR 8302(d)		$50.00
Costs on motion - CPLR 8303(a) (1)		$0.00

FEES AND DISBURSEMENTS

Fee for index number - CPLR 8018(a)	$400.00
Referee's fee to compute, per order of the court - CPLR 8003(a)	$500.00
Paid for searches - CPLR 8301(a) (10)	$485.00
Serving copy of Summons and Complaint - CPLR 8301(d)	$1,265.00
Reproduction costs - CPLR 8301(a)(12)	$0.00
Fees for publication of Summons - CPLR 8301(a)(3)	$0.00
Certified copies of papers - CPLR 8301(a)(4)	$0.00

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Request for judicial intervention	$95.00
Clerk's fee for filing of Notice of Pendency - CPLR 8018(d)(6),	$220.00
Motion fees	$90.00
Note of Issue	$0.00
Certified Mailings – Internal	$10.45
Total:	$3,465.45

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SUFFOLK COUNTY CLERK